IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.3439 of 2000

Dated: 05-06-2007

Between:

Kantamsetti Satyanarayana,
s/o Satyam,
r/o 14-1, Kothapeta,
Kothapeta Mandal,
East Godavari District.

... Petitioner

and

1. The Executive Officer,
   Kothapeta Gram Panchayat,
   Kothapeta,
   East Godavari District and 2 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner states that he is the absolute owner of the house bearing No.14-1 in Kothapeta village and Mandal, East Godavari District and respondents without any authority whatsoever are trying to demolish the said house and hence, he filed the present writ petition

seeking a *mandamus* to declare the action of respondents in trying to demolish the house bearing No.14-1 in Kothapeta village, as arbitrary and illegal and consequently direct respondents not to interfere with the possession and enjoyment of the said house, without following the due process of law.

3. Despite the fact that notices are served, respondents have not chosen to file any counter affidavit.

4. Having heard both the learned Counsel, this Court is of the view that the relief sought for in this writ petition can be granted.

5. Accordingly, the writ petition is allowed restraining the respondents from interfering with the possession and enjoyment of the house bearing No.14-1 in Kothapeta village belonging to petitioner.

However it is made clear that if ultimately it is imminent for the respondents to dispossess the petitioner, they may do so only in accordance with law.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.05-06-2007
GLV